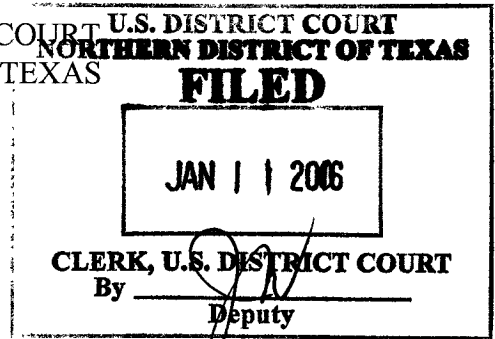


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



LINARD EARL MUCKELROY,

Petitioner,

v.

DOUGLAS DRETKE, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:05-CV-0309

ORDER ADOPTING REPORT AND RECOMMENDATION,
and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS

Came this day for consideration the petition for a federal writ of habeas corpus filed by petitioner LINARD EARL MUCKELROY. Said habeas petition was filed without prepayment of the required \$5.00 filing fee. With his petition for habeas relief, petitioner submitted an "Application to Proceed *In Forma Pauperis*" and a certified *in forma pauperis* data sheet from the penal institution in which he is incarcerated.

On December 13, 2005, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's "Application to Proceed *In Forma Pauperis*" be denied, and that the petition for a writ of habeas corpus filed by petitioner be dismissed for failure to pay the \$5.00 filing fee. As of this date, no objections to the Report and Recommendation have been filed of record, nor has the \$5.00 filing fee been paid.

Based upon an independent examination of the record in this case, the District Judge is of

the opinion that the Magistrate Judge's Report and Recommendation should be, and hereby is,
ADOPTED. Accordingly, petitioner's "Application to Proceed *In Forma Pauperis*" is DENIED,
and the petition for a writ of habeas corpus filed by petitioner LINARD EARL MUCKELROY is
DISMISSED.

IT IS SO ORDERED.

ENTERED this 11th day of January 2006.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE